

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORTLAND KING,

Petitioner,

No. 06-CV-14986-DT

vs.

Hon. Gerald E. Rosen

THOMAS G. PHILLIPS,

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING PETITIONER'S MOTION
FOR A CERTIFICATE OF APPEALABILITY

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 29, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the March 24, 2009 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Petitioner's motion for a certificate of appealability; and Petitioner having timely filed objections to the R&R and having concurrently therewith, filed a motion to amend his brief in support of his motion for certificate of appealability;¹ and the Court having reviewed and considered the Magistrate Judge's R&R and Petitioner's objections

¹ In this one-page motion to amend, Petitioner proposes to rewrite his brief to better organize his claims of error. The court finds Petitioner's proposal to amend his brief unnecessary as the Court fully understands his claims and arguments. Therefore, the Court will deny this motion.

and having concluded that Petitioner's request for a certificate of appealability should be denied, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's March 24, 2009 Report and Recommendation [**Dkt. # 47**] is hereby ADOPTED by the Court.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Petitioner's Motion for a Certificate of Appealability [**Dkt. # 38**] is DENIED.

IT IS FURTHER ORDERED that Petitioner's Motion to Amend his Brief in Support of his Motion for a Certificate of Appealability [**Dkt. # 50**] is DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: April 29, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 29, 2009, by electronic and/or ordinary mail.

s/Ruth Brissaud
Case Manager